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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,612	12/04/2003	Akiyoshi Chosokabe	Q78605	5767

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EXAMINER	
HARPER, TRAMAR YONG	
ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
07/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/726,612	CHOSOKABE, AKIYOSHI	
	Examiner	Art Unit	
	TRAMAR HARPER	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/09/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendments/arguments filed 03/09/09. In response to the new grounds of rejection under 35 U.S.C. 101 presented in the Examiner's Answer of January 8, 2009, Applicant has respectfully requested that prosecution be re-opened on such grounds. As such, the arguments set forth are addressed herein below. Claims 1-14 remain pending and Claims 6-14 are currently amended.

Specification

The amendment filed 2/13/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the newly amended terminology "composition ratio or ratios" is completely different in scope regarding the previously disclosed "composition rate or rates". The phrase "composition rates" is interpreted as changes in composition. The phrase "composition ratio" is interpreted as the relation or comparison between compositions. In regards to,

> "the display control section 34 can generate composition (blended) image data of the first pattern image data and the second pattern image data blended according to a positional relationship between the first model and the second model, and image composition rate setting, and display this composite image."

Examiner interprets "the display control section 34 can generate composite (blended) image data of the first pattern image data and the second pattern image data blended according to a positional relationship between the first model and the second model," as defining a ratio between two images or a first pattern image data to a second image data. However by adding "and image composition rate setting, and display this composite image" defines "image composition rate" as something completely different from the positional ratio image e.g. the image composition rate is different from the blended image generated from the positional ratio. Thus, Applicant has failed to provide sufficient evidence that the amended material is supported within the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The drawings received on 2/13/07 are unacceptable for the reasons as noted above in regards to "composition ratio" e.g. contains new subject matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly amended terminology "composition

ratio or ratios" is completely different in scope regarding the previously disclosed "composition rate or rates". The phrase "composition rates" is interpreted as changes in composition. The phrase "composition ratio" is interpreted as the relation or comparison between compositions. In regards to,

> "the display control section 34 can generate composition (blended) image data of the first pattern image data and the second pattern image data blended according to a positional relationship between the first model and the second model, and image composition rate setting, and display this composite image."

Examiner interprets "the display control section 34 can generate composite (blended) image data of the first pattern image data and the second pattern image data blended according to a positional relationship between the first model and the second model," as defining a ratio between two images or a first pattern image data to a second image data. However by adding "and image composition rate setting, and display this composite image" defines "image composition rate" as something completely different from the positional ratio image e.g. the image composition rate is different from the blended image generated from the positional ratio. Thus, Applicant has failed to provide sufficient evidence that the amended material is supported within the specification and is therefore, interpreted as new matter.

Response to Arguments

Applicant's arguments filed 03/09/09 have been fully considered but they are not persuasive. In response to the amendments with respect to claims 6-14 and Applicant's

request to re-open prosecution the Examiner has respectfully re-open prosecution and withdrawn the 35 U.S.C. 101 rejection. However, the above rejection is maintained.

Appellant respectfully argues that Examiner misinterprets the below passage and for purposes of clarification Examiner explains the following:

In regards to:

> "In this way, the display control section 34 can generate composite (blended) image data of the first pattern image data and the second pattern image data blended according to a positional relationship between the first model and the second model, and image composition rate setting, and display this composite image."

The composite image data is based on a first pattern image data and the second pattern image data according to a positional relationship between the first model and the second model, and image composition rate setting. This is interpreted as two important variables, a positional relationship between the first model and the second model and an image composition rate setting, which indicates that the image composition rate setting in different in scope with comparison to the positional relationship between a first and second model. Even in this regards the positional relationship might signify a positional ratio not an image ratio, but clearly illustrates the image composition rate setting as something different to a positional relationship and/or maybe positional ratio. Accordingly at least in this regards the above passage fails to convey to one of ordinary skill in the art an image composition ratio.

Examiner stated in the Advisory Action of October 25, 2007 that "the applicant attempted to overcome the prior art of record by changing the limitation "rate" to "ratio", making it clear that the terminology changes the invention and/or scope." Appellant argues that the appellant did not rely on this change in traversing any portion of the prior art of record. Examiner respectfully disagrees, due to the following arguments submitted by the Appellant February 13, 2007:

Iwase:

"Regarding the Iwase reference, Iwase appears to show an "image rendering unit that arranges models or polygons of image data stored as texture information, for purposes of texture mapping within a three dimensional space," as alleged by the Examiner; however, the cited portions of Iwase fail to disclose "generating a composite image composed of a plurality of image data based on the image composition **ratios**, and displaying the composite image on the surface of a substantially planar game field," as required by amended claim 1. In other words, the cited portions of Iwase only disclose the rendering of a whole scene, whereas claim 1 requires composing image data, **based on image composition ratios**, to produce a composite image."

"Because Iwase, thus, fails to **anticipate amended claim 1**, Applicant respectfully requests that the Examiner withdraw this rejection of independent claim 1 and its dependent claims 2 and 3. Moreover, because claims 4 and 5 recite features analogous to those of claim 1, Applicant submits that claims 4 and

5 are also patentable over Iwase at least for reasons analogous to those presented above."

When referring to the above, the Appellant clearly states that the amended claims overcome the prior art of record due to the amendments, because the prior art of record fails to incorporate image data based on "image composition ratios".

Yamazaki:

"Although Yamazaki appears to show processing of texture data to be mapped to polygons, and processing of color and luminance data of the textures, Yamazaki does not appear to disclose anywhere that such a texture is a "composite image" which is "composed of a plurality of image data based on... image composition ratios," as required by amended claim 1."

"Thus, Yamazaki also fails to anticipate amended claim 1. Applicant, therefore, respectfully requests that the Examiner withdraw this rejection of independent claim 1 and its dependent claims 2 and 3. Moreover, because claims 4 and 5 recite features analogous to those of claim 1, Applicant submits that claims 4 and 5 are also patentable over Yamazaki at least for reasons analogous to those presented above."

Although the texture image data is a composite image, Appellant clearly states the that Yamazaki fails to discloses a composite image based on at least image composition ratios, which is required by the amended claims.

At least based on the above it is cleared that appellant attempted to overcome the prior art of record by changing the limitation "rate" to "ratio", making it clear that the terminology changes the invention and/or scope.

In conclusion, Examiner respectfully contends that appellant fails to satisfy the written description requirement due to the fact that there is no excerpt clearly defining a image composition "ratio". Furthermore, Examiner discloses Iwase (US 5,616,079) and Yamazaki (US 6,280,323) as particularly pertinent to the appellant's invention, but was overcome due to the amended claims particularly "composition ratios". It is duly noted, that if appellant intended one of ordinary skill in the art to acknowledge "composition rate" and "composition ratio" to have the same intended meaning the amendment to the specification and claims would not be unnecessary, but by amending and arguing that the prior art of record failed to disclose a "composition ratio" signifies that the intend meaning and/or terminology in context to one of ordinary skill is different than that of a "composition rate".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAMAR HARPER whose telephone number is (571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald Laneau/
Primary Examiner
Art Unit 3714

TH 7/16/10